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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,116	02/19/2004	Christopher Townsend	23-0543	5390
40158	7590	11/15/2005	EXAMINER	
WOODS FULLER SHULTZ & SMITH P.C.			NEWTON, JARED W	
ATTN: JEFFREY A. PROEHL			ART UNIT	
P.O. BOX 5027			PAPER NUMBER	
SIOUX FALLS, SD 57117			3634	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.		Applicant(s)	
	10/782,116		TOWNSEND, CHRISTOPHER	
	Examiner		Art Unit	
	Jared W. Newton		3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/19/2004</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 2 is objected to because of the following informalities: Claim 2 recites, "The hitch device storage assembly of claim 2..." Examiner assumes claim should recite, "The hitch device storage assembly of claim 1..."

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 13, and 14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent Application Publication No. 2002/0017770 A1 to Parrish.

In regard to claim 1, Parrish discloses a trailer rack rack 5 for storing hitch devices, said rack comprising a panel 20 for attachment to a wall 11a; a receiver hitch 22 extending outwardly from said panel, said receiver hitch 22 being adapted for coupling to the hitch device 18; and securing means 30 for securing the hitch device to said receiver hitch 22 (see FIG. 5).

In regard to claim 2, Parrish further discloses said securing means comprising aligned holes 22a and 22b extending through said receiver hitch 22, said aligned holes being complimentary to apertures 18a and 18b in the hitch device (see FIG. 13); and a

securing pin 36 insertable through said aligned holes and apertures whereby the hitch device 22 is secured to the hitch receiver 18 (see FIG. 6).

In regard to claim 5, Parrish further discloses a locking mechanism 33 in the form of a locking nut (see FIG. 13); said mechanism selectively couplable to said securing pin 30 for inhibiting disengagement of said securing pin from said hitch receiver (see FIG. 13).

In regard to claims 13 and 14, Parrish further discloses a plurality of connection openings 86c-f (see FIG. 10b) extending through said panel whereby said panel is adapted for being attached to a wall 11a (see FIG. 4a) using connectors extending through said openings. Parrish further discloses said hitch receiver generally tubular, and having a generally rectangular cross section (see FIG. 5).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parrish as applied to claims 1,2,5, 13 and 14 above, and further in view of U.S. Patent Application Publication No. 2004/0156205 A1 to Piscioti.

In regard to claim 3, Parrish discloses a device according to claims 1 and 2 as advanced above, but does not disclose an L-shaped securing pin. Piscioti discloses a trailer hitch receiver adapted to receive and secure a trailer hitch member, wherein said

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securing means comprises an L-shaped securing pin 34 (see FIG. 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the L-shaped securing pin as disclosed by Piscioti as the securing means of the device as disclosed by Parrish. The motivation would be to provide a quick and easily releasable securing means that contains a handle for a user to grasp when removing said means from said device.

In regard to claim 4, Parrish discloses a cotter pin 37 insertable through an end of said securing pin 36 for inhibiting disengagement of said securing pin from said hitch receiver (see FIG. 14).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parrish as applied to claims 1,2,5,13 and 14 above, and further in view of U.S. Patent No. 4,711,106 to Johnson.

Parrish discloses a device comprising all of the limitations of claim 5, but does not disclose said locking mechanism including a removable key for actuating said locking mechanism. Johnson discloses a locking device 10 for locking two or more pieces of equipment 58 and 59, apparatus, or objects together, such as a trailer to a towing hitch. Johnson further discloses said device comprising a removable key 16 for actuating said locking mechanism (see FIG. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the locking device as disclosed by Johnson in place of the securing pin 30 as disclosed by Parrish. The motivation would be to provide a means of securing said hitch device to said receiver device in a manner that prevents anyone except the possessor of said key from

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disengaging said devices. The inclusion of the locking means as disclosed by Johnson would be obvious as a means of theft prevention as is well known in the art.

In regard to claims 7-12 and 15, the examiner takes official notice that it would have been obvious to one of ordinary skill in the art at the time of the invention to include a plurality of the hitch devices as set forth in the above rejections. Claims 7-12 and 15 differ from claims 1-6 and 14 only by way of the recitation of claim 7, "A hitch device storage assembly for storing *a plurality of hitch devices...a plurality of spaced receiver hitches...*" The claim of using a plurality of devices does not carry patentable weight over the prior art rejections advanced above in light of the fact that it is well known and obvious to use more than one of said devices depending on the number of hitch devices one wishes to store. The inclusion of a plurality of devices does not bring any non-obvious or original merit to the claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared W. Newton whose telephone number is (571) 272-2952. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWN

October 31, 2005



RICHARD E. CHILCOT, JR.  
SUPERVISORY PATENT EXAMINER